

## **OFFICE OF HAWAIIAN AFFAIRS LIMITED ENGLISH PROFICIENCY PLAN**

### **INTRODUCTION**

Presidential Executive Order 13166, “Improving Access to Services for Persons with Limited English proficiency” was created to “. . . improve access to . . . federally assisted programs and activities for persons, who as a result of national origin, are limited in their English proficiency . . .” Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (“Title VI”) serves as the basis for Executive Order 13166. Title VI provides that no person shall “on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

HB 2778 HD2 SD2 CD1, as approved by the State of Hawaii Legislature during Regular Session, 2006 (Act 290) provides for effective and timely communication between all levels of government and individuals who are precluded from using public services due to language-proficiency barriers. Further, the Act requires the State Department of Labor & Industrial Relations to ensure that each state agency and all covered entities shall take responsible steps to ensure meaningful access to services, programs, and activities by limited English proficient persons.

Accordingly, the Office of Hawaiian Affairs (OHA) seeks to implement the initiatives set forth in this Limited English Proficiency (“LEP”) Plan to meet its obligations under Title VI. The purpose of this LEP Plan is to take reasonable steps to ensure that persons with limited English proficiency can gain meaningful access to OHA services and programs. This LEP Plan is OHA’s commitment to provide essential and meaningful access to LEP clients.

### **DEFINITION OF LIMITED ENGLISH PROFICIENT PERSONS/CUSTOMERS**

For purposes of this LEP Plan, LEP persons or LEP clients mean individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. Such persons may be eligible to receive language assistance with respect to a particular service, benefit, or encounter that OHA provides. It should be noted that, for the most part, the only LEP clients that OHA can expect to service are those using Hawaiian, although the LEP Plan is capable of serving other LEP clients with “other than Hawaiian language” needs.

### **RELEVANT FACTORS**

In determining how to provide effective and meaningful access to LEP clients, the U.S. Department of Labor has established the following four (4) guidelines (68 FR 32290, 32294 (May 29, 2003)):

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program;
2. The frequency with which LEP persons come into contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to LEP persons; and
4. The resources available to the program and the costs of providing interpretation/translation services.

Based on the aforementioned factors, OHA seeks to implement the following LEP Plan. Decisions regarding oral interpretation and written translation services under the following LEP Plan shall be guided by the four-factor analysis cited above.

### **SUMMARY**

This OHA LEP Plan is comprised of the following components:

- (1) Compilation of a comprehensive multi-lingual listing of OHA employees;
- (2) Providing interpretation/translation services for qualified LEP clients;
- (3) Designation of a LEP Plan Coordinator.

### **LEP PLAN**

The Personnel Manager of OHA's Human Resources shall be responsible for establishing a procedure for each OHA division to report new applicants speaking languages other than Hawaiian. Hale and Division (hereafter Hale) offices will compile the data on a yearly basis and provide a report to the designated LEP Plan Coordinator by no later than December 1 annually. The responsibilities of the LEP Plan Coordinator are explained in Section IV below.

#### **I. COMPILATION OF COMPREHENSIVE MULTI-LINGUAL LISTING OF OHA EMPLOYEES**

To effectively service LEP clients, OHA ascertained what language skills and resources may already be available through its employees.

Attached as Appendix "A" is a listing of OHA employees that have proficiency in languages other than English. This list includes information volunteered by OHA personnel that the employee can speak and/or read, and the degree of fluency for that employee. An employee on this list may be contacted when a LEP client of OHA

services needs language assistance. The procedure to be followed when an OHA employee is contacted to provide language assistance is contained in Section II.A. below.

## **II. NOTIFICATION OF INTERPRETATION/TRANSLATION SERVICES TO LEP CUSTOMERS**

### **A. OFFICE NOTICE**

The LEP Plan Coordinator shall create signage and will post the signage to identify language assistance available to the LEP

The receptionist will inform applicants/visitors/guests orally, as required when reasoned or recognized, of the availability of a language interpreter when providing services to the applicants.

### **B. NOTICE FOR REQUESTING WRITTEN TRANSLATION**

The receptionist will inform applicants/visitors/guests orally in person and over the telephone, as required when reasoned or recognized, of written translation services available through contact with the LEP Plan Coordinator at 594-0205.

## **III. PROVIDING INTERPRETATION/TRANSLATION SERVICES FOR LEP CUSTOMERS**

### **A. ORAL INTERPRETATION**

What does the receptionist do when a client appears to be asking for help but has difficulty communicating what he or she needs in the English language?

#### **1. In-Person Interpreter**

The OHA employee helping the client will contact one of the Hawaiian language interpreters.

As a general rule, a competent, in-person interpreter is preferred over a telephone interpreter. If no one is available within that office, then the OHA employee will attempt to contact an interpreter in the proximity of his or her own office (i.e., on the same floor). If no one in the proximity of the office is available, then the OHA employee will contact an interpreter within OHA.

The OHA employee will (1) brief the interpreter about the situation by summarizing what the employee wishes to accomplish, and (2) convey any special instructions to the interpreter. The OHA employee will then allow the client to speak to the interpreter.

When the discussion between the client and the interpreter is finished, or when the OHA employee is prompted, the OHA employee will then speak to the interpreter to find out what the client needs.

The cost for oral interpretation services shall be borne by the division if an outside source is contacted.

At the end of the transaction, the OHA employee shall complete a Service Log entry, detailing the date of the call, the start and end times, the originating phone number, the language involved, and the name of the service provider. A sample page of the Service Log is attached as Appendix "B." All OHA divisions, providing service in a given month, shall compile the information from the daily Services Logs and submit a monthly Service Log for the divisions to the LEP Plan Coordinator within fifteen (15) days after the end of each month.

## 2. Telephone Calls

Should an OHA employee receive a telephone call from a LEP client or a representative of a LEP client needing oral translation, the OHA employee should encourage that LEP client to come into the OHA office, so that oral interpretation services may be arranged as set forth above.

## B. WRITTEN TRANSLATION

The LEP Plan Coordinator (LEP) shall make the determination what constitutes a vital document working in concert with Hale/Division Directors.

As discussed in Section II.B above, the receptionist will provide a notice regarding a request for written translation that division personnel have sufficient reason to believe are addressed to a LEP customer.

The LEP Plan Coordinator and the administrator of that particular division shall decide whether or not the request should be granted using the four-factor analysis discussed in the "RELEVANT FACTORS" section above. It is within the sound discretion of the LEP Plan Coordinator and the administrator to select a qualified translator.

In the event that OHA requires additional personnel to provide language access to our LEP clients, as determined by the "Relevant Factors" section above, OHA shall hire qualified personnel who are bilingual to fill existing, budgeted vacant public contact positions.

## IV. DESIGNATION OF LEP PLAN COORDINATOR

The Personnel Manager of OHA's Human Resources (or his designee) shall serve as the LEP Plan Coordinator. The LEP Coordinator will primarily be responsible for: (1) the overall implementation of the LEP Plan; (2) responding to any inquiries or comments/complaints regarding the LEP Plan and its implementation; (3) making any revisions and modifications to the LEP Plan, as necessary; (4) communicating to OHA employees the proper background necessary to implement the objectives of the LEP Plan; (5) serving as the primary contact for LEP client who need a written translation of important OHA documents; and (6) coordinating efforts to implement the LEP Plan, monitor the LEP Plan, evaluate the LEP plan and invite input aimed at improving the current LEP Plan.

**V. COMMUNICATING LEP PLAN TO OHA STAFF**

The LEP Plan Coordinator will be responsible for training and informing OHA staff of the primary purpose of the LEP Plan. The LEP Plan Coordinator shall address the kind of documents to be generally translated. Additionally, communication shall address competency, confidentiality, and impartiality issues regarding in-person interpreters within OHA.

This LEP Plan shall be reviewed and revised in light of comments from LEP customers, their representatives, interested stakeholders, and OHA staff. Such review and revision shall take place on an annual basis. The provisions of this LEP Plan shall remain in place until a revised LEP Plan is adopted.

**CONCLUSION**

Through the enactment of this LEP Plan, OHA, in compliance with the mandate of Title VI, has memorialized the initial steps in providing reasonable and meaningful access to LEP customers that seek OHA services.

All OHA divisions shall immediately comply with this LEP plan.

---

Clyde W. Namu'o  
Administrator  
Office of Hawaiian Affairs

---

Date

*(July 30 as amended)*

## Oral Translation Services Log

For the Month ending \_\_\_\_\_

Division/Office: \_\_\_\_\_

Project Code (if applicable): \_\_\_\_\_

Date	Translation Service Used	Start Time	End Time	Originating Phone #	Language

Comments from LEP clients or their representative(s) regarding quality of services provided:

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_